IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6293 of 2007()

CRIME NO.1502/07 OF CENTRAL POLICE STATION, ERNAKULAM

: PETITIONER/ACCUSED

K.S.JAYAN, S/O. LATE E.SREEDHARAN,
AGED 42, KADAVIL HOUSE, VADUTHALA P.O.,
KOCHI-23.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
(CRIME NO.1502/07 OF CENTRAL POLICE STATION,
ERNAKULAM.)

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6293 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner has come to this Court expressing the apprehension that he may be arrested as accused in Crime 1502 of 2007 of Central Police Station, Ernakulam. That was a crime in which a person was arrested under suspicious circumstance under Section 41(1)(d) Cr.P.C. Confession statement of the said accused has been recorded. His premises has been searched. Incriminating documents suggesting commission of forgery etc. have been seized and recovered. From the confession statement of the said accused, there are reasons to suspect the involvement of the petitioner in the offences punishable under Section 465 and 471 I.P.C. The petitioner has not been arrayed as an accused so far. The petitioner has to be interrogated. Only thereafter, the decision will be taken as to whether the petitioner has any culpable involvement. The petitioner's presence is required only for questioning as a witness now. In case incriminating materials are received, then only shall the petitioner be brought on the array of accused and arrested. The learned Public Prosecutor submits that at this stage, there is absolutely no justification in the prayer for issue of any direction. The

petitioner may be directed to co-operate with the investigation by appearing before the investigator and making himself available for interrogation as a witness now.

2. The learned Public Prosecutor further submits that the crime has since been transferred and the same is now pending investigation as Crime No.771 of 2007 of Palarivattom Police Station for offences punishable, inter alia, under Section 465 I.P.C.

3. Having considered all the relevant inputs, I find absolutely no justification in the prayer for grant of anticipatory bail. The possibility of arrest of the petitioner cannot of course be ruled out. But I am of the opinion that it is not necessary at this stage to permit the petitioner to arm himself with an order of anticipatory bail. The petitioner can make himself available for interrogation before the Investigating Officer. I have no reason to assume that the petitioner shall be falsely or unnecessarily implicated or would be vexed and harassed by the police in the course of investigation. No direction under Section 438 Cr.P.C does appear to be necessary in these circumstances.

This application for anticipatory bail is dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-